

**Passaic River Superfund Community Advisory Group
Summary and Action Items from the Thursday December 6, 2012 Monthly Meeting**

DRAFT

Agenda Items

- CAG Updates
- Project Updates
- Hurricane Sandy
- CPG Proposed Cleanup Approach

CAG Updates

- The EPA TASC request has been granted to the CAG, the Chairs have met with the TASC consultants a few times and established a workplan of activities to support the CAG review of the FFS. The consultants have been assigned from Skeo, who holds the EPA support contract. They will help to review the documents from the EPA and from the CPG and help to digest detailed information into more public friendly products. Support begins now and runs through March 2103 so we should begin having materials to share in the coming meetings.
- The CAG has submitted its letter to the NRRB, which is still scheduled to meet this month. The letter reflected where we were as a CAG at this point of time to identify areas of consensus and areas we are still exploring. We also attached some personal stories provided by members to provide a strong community perspective. ICC, Baykeeper, and PRC all submitted individual letters as well. The CPG also submitted a letter.
- EPA and DEP Air Enforcement folks still have not met on odor complaint issue. EPA has made three attempts to schedule meetings and the State has cancelled each time, the most recent because of the Hurricane. EPA reiterated that there were no exceedences of health monitoring data during the operations in the Phase 1 removal and the monitoring was extensive. There were also no calls to the EPA hotline that had been established. The CAG asked to be kept informed of progress.

ACTION ITEMS

- The CAG will distribute the TASC workplan and list of consultants and background.
- EPA was asked to post all four letters to the NRRB on ourpassaic.org

Phase 1 Removal Update

The project is practically finished, all major work was completed over the summer and just finishing up final demobilization tasks. A visual survey of the backfill was conducted after the storm, and everything appears to be intact. Bathymetry readings were also taken and results should be available in a few weeks. Most of the equipment has been

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removed from the upland processing facility. There are still some concrete pads being removed over the next few weeks. The site was flooded during the storm which damaged some construction trailers, but all contamination had already been removed.

Update on River Mile 10.9 Removal

The 90% design delayed by Sandy, and was submitted at the end of November. The final design is due in February 2013. EPA is working to get comments from everyone. EPA agreed to discuss the design with the rowing community and work with them as much as possible.

Dredging is scheduled to start in July after the school rowing season is complete and the fish window closes.

CAG Question: Is the 90% design itself available for review? EPA agreed to make it available.

CAG Comment: Dredging could actually start in June, as mostly schools are done by the end of May. EPA noted that they were told the season rows through June 16.

CAG Question: We thought all dredging was to occur in low tide? Yes, as much as possible, it's shallow but not all dredging areas will be exposed even at low tide.

CAG Question: The Head of Passaic Regatta is October 12 and had 1200 rowers on the water this year, will dredging be done by then? The dredging itself will likely be complete, other activities can be coordinated.

Township of Lyndhurst comment: we had meeting a meeting with EPA around the 30% design but have not received the 90% design or heard from EPA yet. A request was made to send it the design and meet with the Township as soon as possible. EPA agreed and will send a copy of the design tomorrow.

ACTION ITEMS

- The next CAG meeting will be held in Lyndhurst in January.
- EPA will share the RM10.9 90% design with interested stakeholders.

Hurricane Sandy

EPA discussed activities and results of assessments, sampling, and the hazardous waste container collection program. All information is on EPA.gov/Sandy.

For disasters, the Stafford Act kicks in and states request help from the federal government which is delivered through FEMA. EPA assists FEMA as appropriate. EPA assessed wastewater and drinking water plants in NY and NJ, collected hazardous waste containers that were displaced during the storm. In NY, EPA also collected household hazardous waste, but in NJ this is handled through local government. Two wastewater facilities were heavily damaged, PVSC in Newark and Middlesex County.

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All the superfund sites were assessed in all declared counties (which was all counties in New Jersey). Raritan Bay slag Superfund site was heavily damaged, as the storm swept away a lot of the heavily lead contaminated materials. Two Superfund sites in Brooklyn, Gowanus Canal and Newtown Creek, were both sampled after the storm, which has set a precedent for EPA.

ICC requested that EPA sample in the Ironbound for contamination from the Passaic River. EPA looked at three addresses and sampled the one basement that had enough water to sample and also pumped out that basement. Found iron, arsenic, and lead exceeded drinking water levels with lead being at the highest level, but none of these were immediate health concerns and the water has been removed. All data are available on line.

In general we find bacteria, petroleum, and low levels of household hazardous waste are the main dangers after a storm like this. EPA provided a number of fact sheets to provide information to help protect residents from any harm.

In addition, ICC identified 36 facilities to identify any spills releases or damage and EPA sent out on-scene coordinators to assess all of these facilities. They found one orphan container and disposed of it properly. They also identified a few facilities with sloppy operations and will be following up. Covanta was shut down during the storm and was not on ICC's list as it is under State supervision. EPA will be providing ICC with a thorough assessment of each property with recommendations for improving those facilities over time.

CAG Question: There is a planned medical waste facility on the Passaic, wouldn't that be a real problem for the Passaic? There are plans and programs aimed at preventing accidents, A facility like that would need a lot of permits before it could operate.

CAG Question: But after a catastrophe like this, doesn't everyone just get a pass? Not really, if they are required to have a plan in place, then they will be assessed against that plan. Will an emergency declaration override any of those issues? To some degree it does happen for a short term. Overall, these issues will be considered more and more in planning as a result of global climate change issues.

CAG Comment: It does seem that reaction can be very slow and years of effort can be washed out. This is true, a natural disaster can cause damage so much faster than we can respond. With storms of these magnitudes it is just impossible to respond to everything immediately, but EPA did respond quickly to all of the identified locations. It is important to remember that most of these responders are also going home to damaged homes and no electricity.

CAG Question: Did the storm influence the Passaic Superfund site, did we learn anything about scouring? This storm was different, there was not a lot of rainfall, mostly tidal surge unlike Hurricane Irene which had more water scouring upstream. When we sampled sediment from Irene, there was no real risk. EPA may request another bathymetry survey like after Irene. There was very little change after Irene and do not

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expect too much change after this one. The storm should not weigh very heavily on the FFS process.

Wouldn't a tidal surge by Hurricane really change things? Who we have talked to would suggest this is mostly a water event, not very big impacts on sediments.

CAG Question: At RM10.9, have we done any more work on where this material may have come from and other areas that might also be affected, particularly Third River? This is an old release, and we do have some samples from the Third River that are not particularly elevated, and will be taking more sample. While historical information is interesting for allocation of responsibility, EPA is focused on current releases and getting the river cleaned up.

CAG Question: With Sandy and global warming and the Passaic cleanup, can we talk about changes to how we look at the Passaic and other facilities on the River? This is outside the scope of the CAG, but a good idea for the community to look at.

CPG Proposed Cleanup Approach

The CPG presented its approach to creating a sustainable remedy at the Passaic River Superfund Site. The CPG noted that it was important to get all the ideas out on the table, and at the end of the day EPA will make the decision. The basic approach is to get in the river quickly and target remediation along the entire 17 miles at the contamination that is driving risk. Would be an adaptive approach that adjusts as more is learned. It would target both historical contamination and ongoing contamination issues. Would likely include stormwater management, green infrastructure, efforts to improve access and usability.

The goal is to improve river quality as soon as possible, use techniques they have the best chance for success, and minimize impacts and provide value to neighboring communities. The CPG does not believe that EPA's estimates of 6-11 years of dredging can be achieved for the lower 8 miles, and that it could take twice as long given the actual logistical challenges of operations. The CPG believes that recontamination will be an issue and natural recovery rates can be improved by getting the major risk drivers out of the river.

The CPG is exploring multiple lines of evidence to predict where contamination will be highest. It has identified about 30 areas of higher contamination up to RM 11.5. Above that point, there is much coarser gravel and less opportunity for higher concentrations. The CPG believes that doing this level of evaluation and identifying these hotter areas, could reduce the dioxin concentrations by about 80%.

The CPG predicts that the time on the river would be much less than under with alternative in the FFS and also argued that the more dredging you do the more sediment is lost back into the system increasing the risk of recontamination. (EPA noted that resuspension is already taken into account in the model. Also at Hudson River they

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found that the resuspension was not as significant as feared.)

The River appears to be approaching static equilibrium so that sediments are not getting deeper, but materials move in and out at a fairly constant amount. If we clean the lower 8 miles first, there is still a lot of contaminated sediment above the dam. The CPG believes that this will result in recontamination in the lower 8 miles. They are still developing their model to evaluate these assumptions but it is not yet completed.

The EPA model predicts a drop in contamination concentrations over the past 12 years which matches what is actually observed in the fish. CPG disagrees about what the model predicts happens moving forward. The EPA model predicts that recovery will stop and reverse itself. Main issue for recovery has been burial and burial has been slowing, but at a much slower rate than the model predictions.

The water level in Passaic is rising due to climate change so the river does continue to sediment in to keep up with water rise (about 0.5 centimeters per year).

This remedy would leave areas of low contamination in place and believes they will recover, and that the removal of major sources allows that recovery to accelerate.

EPA noted that its model takes into account this equilibrium. Most of the contaminants adhere to fine sediments and the vast volume of this fine sediment and contamination is found in the lower 8 miles.

CAG member commented that these movements don't happen at the same rate, more sediment is moving up from downstream than down from upstream.

CAG Question: The data being presented by the CPG only looks at surface sediments but aren't there are other, deeper sources of contamination? The CPG believes most of the river is not subject to deep erosion, so would not cause recontamination.

EPA noted that it is important to remember that the less contaminated spots are not clean, for example the blue dots outside the removal area at 10.9 are still way above standards. If this is going to be taken seriously we will need a real scientific model and assessment to show that the preliminary remediation goals (PRGs) can be achieved.

CAG Question: This approach seems like option 4 that EPA said was not protective and screened out. Why are you still looking at this? EPA screened it out because of the lack of natural recovery of the contamination left behind which do not meet the PRGs. The CPG believes that there will be natural recovery of these areas.

EPA noted if we find out we are wrong 10 years from now and natural attenuation does not work as predicted than we are at a re-set because 85 % of the river has not been cleaned. The CPG thinks that in 5 years we could get significant cleanup.

CAG Question: What is considered surface contamination? The top 6".

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CAG Question: What will be required to remove in order to cap? About two feet.

CAG Question: Is the work at RM 10.9 a model for this hotspot approach? It is one of the possible approaches.

EPA pointed out that it does not agree with the improvement in fish tissue showed in the presentation, and does not believe that level of improvement has already been achieved.

CAG Question: How would the CPG be measuring the success of this approach, how long will it take to achieve success of getting the fish back to some level of human consumption? At the end of this process the CPG would create a model based on real information and then work with EPA to determine the desired outcomes. There is more work to be done to evaluate the data and create a full model to evaluate this.

The CPG believes that the difference in contamination between the hot spots and the rest of the river are very large. EPA reiterated that a model would be needed to show this. The CPG is updating the model as fast as they can.

CAG Question: Are you (CPG) going to model the entire 17 miles, what values will you use, how does it compare to the modeling EPA has done, and when will it be available. This does not seem ready, there are too many unknowns, would you use any advanced technology in the dredging process to make it more efficient, will these be included in your model? The model is essentially the same model as EPA, with different details. This was intended as an initial conversation about the approach and the CPG will provide additional details as they become available.

EPA noted that there is no mechanism to include this in the FFS at this time, and it will have to be included as part of the public comment period.

The CPG presentation will be posted at www.ourpassaic.org

ACTION ITEMS

- The CAG asked to be updated as more information becomes available.

Next Meeting

January date TBD in Lyndhurst